

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IN RE:	)	Case No. 15-01470
	)	
Jennifer Lynn Pajevic,	)	Chapter 7
	)	
Debtor.	)	Hon. Deborah L Thorne

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that on November 2, 2023 at 9:00 a.m., or as soon thereafter as counsel may be heard, we shall appear before the Honorable Deborah L. Thorne, Bankruptcy Judge, or any judge sitting in that judge's place, either in courtroom 682 of the United States Bankruptcy Court at 219 South Dearborn, Chicago, Illinois, or electronically as described below, and present the **Motion to Employ Special Counsel**, a copy of which is attached hereto and herewith served upon you.

All parties in interest, including the movant, may appear for the presentment of the motion either in person or electronically using Zoom for Government.

**You may appear in person or electronically by video or by telephone.**

**This motion will be presented and heard electronically using Zoom for Government.**

**To appear by video/website**, use this link: <https://www.zoomgov.com/join>. Then enter the meeting ID and password.

**To appear by telephone**, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

**Meeting ID and password.** The meeting ID for this hearing is 160 9362 1728. The meeting ID and password if any can also be found on the judge's page on the court's web site.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

Date: October 26, 2023

Zane Zielinski, as Trustee for the  
Bankruptcy Estate of Jennifer Lynn  
Pajevic,

By: /s/ Daniel J. Nickel  
Of Counsel to the Trustee

Zane L. Zielinski (6278776)  
Daniel J. Nickel (6278133)  
**THE LAW OFFICE OF**  
**ZANE L. ZIELINSKI, P.C.**  
6336 North Cicero Avenue, Suite 201  
Chicago, Illinois 60646  
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**CERTIFICATE OF SERVICE**

I, Daniel J. Nickel, an attorney, state that pursuant to Section II, B, 4 of the Administrative Procedures for the Case Management/Electronic Case Filing System, service of the above **TRUSTEE'S MOTION TO EMPLOY SPECIAL COUNSEL** on all persons identified as Registrants on the appended service list was accomplished through the Court's Electronic Notice for Registrants, and, as to all other persons identified on the following service list, I caused a copy of the foregoing document to be served to the email addresses described, or served by U.S. First Class Mail, as indicated, October 26, 2023.

/s/ Daniel J. Nickel  
Daniel J. Nickel

**SERVICE LIST**

**VIA COURT'S ELECTRONIC NOTICE FOR REGISTRANTS**

W. Alexander Wilson,	ndil@geracilaw.com
Patrick S Layng	USTPRegion11.ES.ECF@usdoj.gov
Adam Brief	<u>Adam.Brief@usdoj.gov</u>

**VIA EMAIL ONLY - PARTIES REQUESTING NOTICE**

Rachael A Stokas for U.S. Bank	rachael.stokas@il.cslegal.com
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**VIA FIRST CLASS MAIL**

Debtor  
Jennifer Lynn Pajevic  
11141 Anvil Ct  
Naperville, IL 60564

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE:	)	Case No. 15-01470
	)	
Jennifer Lynn Pajevic,	)	Chapter 7
	)	
Debtor.	)	Hon. Deborah L Thorne

**TRUSTEE’S MOTION TO APPROVE EMPLOYMENT OF SPECIAL COUNSEL**

Zane Zielinski, not individually but as the chapter 7 trustee (the “*Trustee*”) of the bankruptcy estate of Jennifer Lynn Pajevic (the “*Debtor*”), respectfully requests the entry of an order, authorizing employment of Dana Lizik and Johnson Law Group (“*Special Counsel*”) and in support thereof states the following.

**JURISDICTION**

1. The Court has jurisdiction over this motion pursuant to 28 U.S.C. §§157 and 1334.
2. Venue of the above captioned case (the “*Case*”) and of this motion is proper pursuant to 28 U.S.C. §§1408 and 1409. Consideration of the motion is a core proceeding pursuant to 28 U.S.C. §157(b)(2)(N).
3. The Court has jurisdiction over this motion pursuant to 28 U.S.C. §§157 and 1334. Venue is proper in this district pursuant to 28 U.S.C. §§1408 and 1409. Consideration of the motion is a core proceeding pursuant to 28 U.S.C. §157(b)(2)(A), (M) and (O).

**BACKGROUND**

4. On January 16<sup>th</sup>, 2015 the Debtor filed a voluntary petition for relief under Chapter 7 of Title 11 of the U.S. Code (the “*Bankruptcy Code*”) in the United States Bankruptcy Court for the Northern District of Illinois, Eastern Division.

5. Upon discovery of a mass tort injury claim, the United States Trustee moved to reopen the case and the Court entered an order on June 10, 2022 reopening the case. Order, Dock. No. 27.

6. Zane Zielinski (“Trustee”) is the duly appointed Chapter 7 Trustee of this Case.

7. Among the assets of the estate is a products liability claim against a manufacturer that is valued in excess of \$100,000 (the “Claim”).

8. The Trustee has determined it is appropriate to retain the proposed Special Counsel to represent the estate in recovering upon the Claim, and that for special counsel’s compensation, the following contingent fee agreement is fair, reasonable and within the market range for highly skilled products liability attorneys: 40% of the gross amount recovered, whether before or after the filing of a civil action, plus reimbursement of expenses.

9. The proposed Special Counsel has provided the Declaration of herself and her law firm, Johnson Law Group, attached hereto as **Exhibit A**, that discloses that she has agreed with the Trustee to the foregoing terms of compensation. The proposed engagement for legal services is attached to the Declaration.

10. While the Trustee also intends to retain general counsel, the Trustee believes that the retention of the proposed Special Counsel for the purpose of handling the Claim will be beneficial to the estate and Debtor’s creditors, and will be more cost effective.

11. The proposed Special Counsel is a highly experienced law firm in the area of products liability and related class action suits.

12. It was an inadvertent oversight that the Trustee and his counsel did not file this retention motion at an earlier date. Communication with the Special Counsel, through its designated agent, Archer Systems, began in June, 2022. One reason for the delay in filing was that Trustee's counsel could not communicate directly with the Special Counsel's firm, but had to go through an administrative intermediary, Archer Systems, and Archer was inconsistent in communicating with the Trustee about the case and employing special counsel. There was an approximate one-month delay in obtaining the Special Counsel's declaration which contributed to counsel's oversight.

#### **RELIEF REQUESTED**

13. By this motion, the Trustee seeks authority to employ and retain Dana Lizik and Johnson Law Group as his special counsel, pursuant to 11 U.S.C. § 327(e), to represent the estate in connection with the Debtor's Claim on the terms identified above.

#### **BASIS FOR RELIEF REQUESTED**

14. Section 327(a) of the Bankruptcy Code provides that the trustee may, subject to court approval, employ attorneys that do not have any interest adverse to the Estate, and that are disinterested persons, as defined in 11 U.S.C. § 101(14).

15. Section 327(e) provides that the trustee may, subject to court approval, employ attorneys for a special purpose if it is in the best interest of the estate and the attorney does not have an interest adverse to the estate with respect to the matter for which employment is sought.

16. The Trustee submits that the terms of the proposed Special Counsel's employment is reasonable and beneficial to the estate.

**WHEREFORE**, the Trustee, Zane Zielinski, prays this Court to enter an order:

A. Authorizing the Trustee to employ Dana Lizik and Johnson Law Group as Special Counsel; and

B. Granting such other and further relief as this Court deems just and fair.

Dated: October 26, 2023

Respectfully submitted,

Zane Zielinski, not individually but as the  
chapter 7 trustee of the bankruptcy estate of  
Jennifer Lynn Pajevic,

By: /s/Daniel J. Nickel  
Of Counsel to the Trustee

Zane L. Zielinski (6278776)  
Daniel J. Nickel (6278133)  
**THE LAW OFFICE OF**  
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